IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 2770 of 2006(D)

PETITIONER:

MOHAMMED, S/O. LATE MAKKAR,
KUJATTU VEETTIL, VIDAVOOR KARA,
PALLARIMANGALAM P.O.

BY ADV. SRI.P.K.ABOOBACKER (EDAPPALLY)

RESPONDENTS:
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1. MUVATTUPUZHA-KOTHAMANGALAM PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK, REP.BY ITS SECRETARY, MUVATTUPUZHA.

2. THE JUNIOR CO-OPERATIVE INSPECTOR/ SPECIAL SALE OFFICER, THE MUVATTUPUZHA-KOTHAMANGALAM PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK, MUVATTUPUZHA.

3. THE ASSISTANT REGISTRAR, CO-OPERATIVE SOCIETIES, MUVATTUPUZHA.

BY ADV. SRI.K.JAJU BABU (FOR R1)
GOVERNMENT PLEADER, SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE NOTICE DATED 25.8.00 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS.

EXT.P2: COPY OF THE REPRESENTATION DATED 23..8.02 FILED BY THE 1ST PETITIONER BEFORE THE REGISTRAR, CO-OPERATIVE SOCIETIES, TRIVANDRUM.

EXT.P3: COPY OF THE COVERING LETTER ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER.

EXT.P4: COPY OF THE REPLY DATED NIL ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P5: COPY OF THE REPRESENTATION DATED 1.6.02 FILED BY THE PETITIONER BEFORE THE PRINCIPAL SECRETARY, CO-OPERATIVE SOCIETIES, TRIVANDRUM.

EXT.P6: COPY OF THE SALE NOTICE DATED 1.11.02 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS.

EXT.P7: COPY OF THE RECEIPT DATED 30.6.99 FOR RS.10,000/-.

EXT.P8: COPY OF THE RECEIPT DATED 30.6.2000 FOR RS.12,500/-.

EXT.P9: COPY OF THE RECEIPT DATED 20.8.01 FOR RS.80,000/-

EXT.P10: COPY OF THE CIRCULAR DATED 8.7.02 ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES TO THE PETITIONER.

EXT.P11: COPY OF THE JUDGMENT DATED 11.11.2003 BY THE HON'BLE HIGH COURT.

EXT.P12: COPY OF THE SALE NOTICE DATED 5.12.05.

EXT.P13: COPY OF THE BANK STATEMENT DATED 12.1.2006 ISSUED BY THE 1ST RESPONDENT.

EXT.P14: COPY OF THE REPRESENTATION DATED 18.1.06 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENTS EXHIBITS:

EXT.R1(A): COPY OF STATEMENT OF ACCOUNTS FURNISHED IN THE NAME OF THE PETITIONER'S MOTHER BY THE 1ST RESPONDENT ON 29.11.03.

EXT.R1(B): COPY OF COVERING LETTER DATED 9.1.06 VIDE NO.2884/05-06 ISSUED TO THE WIFE OF MAKKAR BY THE 1ST RESPONDENT.

EXT.R1(C): COPY OF LETTER DATED 19.5.03 ISSUED BY THE REGISTRAR OF CO-OP. SOCIETIES, TVM TO THE MANAGING DIRECTOR OF KERALA STATE CO-OP. AGRL. & RURAL DEVELOPMENT BANK LTD., TVM.

EXT.R1(D): COPY OF THE STATEMENTS OF ACCOUNTS FOR AND ON BEHALF OF LATE.HUSSAN MAKKAR.

/TRUE COPY/

P.A. TO JUDGE

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S. SIRI JAGAN, J.

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W.P(C) No. 2770 of 2006

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Dated this, the 29th March, 2007.

J U D G M E N T

Petitioner is the legal heir of deceased Shri.Makkar who was a defaulter of repayment of a loan taken from the 1st respondent Bank. The said Makkar died on 22.3.1999. The petitioner approaches this court challenging revenue recovery proceedings. However, for the present he would be satisfied with a direction to the 1st respondent to consider his claim for benefits under the One Time Settlement scheme, which is in force.

2. I have heard the learned counsel for the petitioner as also the learned counsel appearing for the 1st respondent . The 1st respondent has filed a counter affidavit. Along with the affidavit they have produced as Ext.R1(d), statement of accounts as per which the total amount due from the petitioner is Rs.2,89,063/-. Of course, this amount includes penal interest, over due interest etc. However, the first respondent is prepared to consider the claim of the petitioner for the benefits under the One Time Settlement scheme. The petitioner seeks payment of the amount in instalments.

3. After hearing both sides I disposed of this writ petition on the following terms:

The 1st respondent shall consider the petitioner's claim for One Time Settlement scheme and intimate him the amounts due to the Bank after concessions and deductions allowable as per the One Time Settlement scheme within one month from the date of receipt of a copy of this judgment. On receipt of the intimation regarding amount payable, the petitioner shall pay the amount in six equal monthly instalments starting from 5.5.2007. All subsequent instalments shall be paid on the 5th day of every succeeding months. The petitioner shall file an application for One Time Settlement scheme after paying 10% of the amount shown in Ext.R1(d) within two weeks from today, on payment of which alone the 1st respondent need consider the claim of the petitioner for One Time Settlement. If the petitioner complies with the above directions, further recovery proceedings shall be kept in abeyance. However, if the petitioner fails to comply with the above directions or commits default in payment of any of the instalments, it would be open to the 1st respondent to continue with the recovery proceedings as initiated now without issuing any notice or proceedings in that regard.

S. SIRI JAGAN,
JUDGE.

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